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## CURRENT DECISIONS

**BILLS AND NOTES—POST-DATED CHECKS—EFFECT OF TRANSFER BEFORE THE DUE DATE.**—The defendant delivered a check on March 6th and dated it March 7th, with the understanding that it should not be presented for payment until that date. It was, however, negotiated to the plaintiff for value without notice on the 6th. On the 7th the defendant ordered payment stopped. An action was then brought on the check. *Held*, that the plaintiff should recover. *American National Bank v. Wheeler* (1919, Calif. App.) 187 Pac. 128.

The court in the principal case correctly treated the check as fully negotiable though post-dated. For a discussion of the status of post-dated checks, see COMMENT (1920) 29 YALE LAW JOURNAL, 321.

**CONSTITUTIONAL LAW—INCOME TAX—STOCK DIVIDENDS AS INCOME.**—In January, 1916, the Standard Oil Company of California, which then had surplus and undivided profits almost equaling the par value of its outstanding capital stock, issued additional shares of its capital stock to the amount of fifty per cent of that outstanding and transferred from its surplus account to its capital stock account an amount equivalent to the par value of the stock so issued. The plaintiff, having paid under protest, an income tax computed upon the par value of 18.07 per cent of the stock so issued (the percentage which the government computed had been earned since March 1, 1913, the date taken as approximating that of the adoption of the Sixteenth Amendment), brought suit against the collector of internal revenue to recover the amount so paid. *Held* (four Justices *dissenting*), that the plaintiff should recover since Rev. Act, Sept. 8, 1916, ch. 463, sec. 2a, 39 Stat. L. 756, attempting to levy a tax upon stock dividends without apportionment according to population is unconstitutional, such "dividends" not being income and hence not within the Sixteenth Amendment. *Eisner v. Macomber* (1920) 40 Sup. Ct. 189.

See ARTICLE, *supra*, p. 735.

**CONSTITUTIONAL LAW—FULL FAITH AND CREDIT TO JUDGMENTS OF OTHER STATES.**—The defendants by their wrongful acts in Alabama had caused the death in that state of the plaintiff's intestate, for which the plaintiff obtained judgment in the courts of that state. The judgment not having been paid, the plaintiff brought the present action in Illinois upon it. An Illinois statute provided that "no action shall be brought in this state to recover damages for a death occurring outside of this state." The Supreme Court of Illinois sustained a plea to the jurisdiction. *Held*, that the judgment was erroneous as a violation of Article 4, section 1 of the federal Constitution. *Kenney v. Supreme Lodge, etc., Loyal Order of Moose* (April 19, 1920) U. S. Sup. Ct. Oct. Term, 1919, Nos. 269 and 303.

The decision of the Illinois Supreme Court in this case was severely criticised and the present view of the Supreme Court advanced in (1919) 28 YALE LAW JOURNAL, 264. As was there pointed out, to adopt the view of the Illinois court meant the nullification of the full faith and credit clause, in effect, and was directly contrary to the decision of the Supreme Court in *Fauntleroy v. Lum* (1908) 210 U. S. 230, 28 Sup. Ct. 641. The Supreme Court has so held in the principal case, and limited an earlier decision, opposed in its dicta, at least, to its particular facts. See *Anglo-American Provision Co. v. Davis Co.* (1903) 191 U. S. 373, 24 Sup. Ct. 92, (1919) 28 YALE LAW JOURNAL, 267, note 6a.